

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CATHERINE NICOLE DONKERS,

Plaintiff,

Civil Action No. 06-CV-13718

vs.

HON. GEORGE CARAM STEEH

J. GILBERT, et al.,

Defendant.

_____/

ORDER DENYING DEFENDANT'S MOTION FOR LEAVE
TO FILE SUPPLEMENTAL PLEADINGS AS MOOT

Plaintiff Catherine Nicole Donkers brought a 42 U.S.C. § 1983 civil rights complaint against officers Gilbert and Velasco of Wayne County Sheriff's Department, alleging false arrest, imprisonment, and battery. Plaintiff's complaint stemmed from an incident in 2004, when she was arrested and charged with disturbing the peace. Defendants moved for summary judgment, and this Court heard arguments on May 17, 2007. At that time, Plaintiff had an outstanding warrant for the 2004 state charge. On May 23, 2007, this Court granted summary judgment for Defendants, dismissing the cause of action without prejudice and finding that Plaintiff did not have a cognizable § 1983 claim because the state criminal charge was yet unresolved. This Court declined to grant Defendants' request for sanctions, costs and fees, as well as their request for some method of limiting the litigation pursued by Plaintiff in this forum.

On May 22, 2007, the day before this Court's dismissal of Plaintiff's claim, Defendants sought leave of this Court to file supplemental pleadings and exhibits regarding Plaintiff's behavior in state court. Defendants argue, inter alia, that Plaintiff was uncooperative at her arraignment in state court and that as a result, the applicable statute of limitations for Plaintiff's § 1983 claims should not be tolled or extended.

Because Plaintiff's § 1983 claims have been dismissed without prejudice, whether Plaintiff was uncooperative in state court is moot at this point of the litigation. Whether Plaintiff's conduct in state court is significant and whether it has bearing on the question of tolling may be addressed upon request of the parties if and when plaintiff revisits her § 1983 claims upon the resolution of her state criminal case. As such,

IT IS ORDERED that Defendant's current motion be DENIED.

Dated: July 10, 2007

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record on
July 10, 2007, by electronic and/or ordinary mail.

s/Josephine Chaffee
Deputy Clerk